



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8EPR-SR

D.C. Orr
P.O. Box 1268
Libby, MT 59923

Dear Mr. Orr: *DC*

I am writing you in response to your emails regarding EPA's June 26, 2009 response at the Boat Ramp located at Riverfront Park in Libby. I have reviewed EPA's actions related to this response and found that the response has been satisfactorily completed.

In review, EPA received a call on June 26, 2009 that the pump used to fill water trucks was left on. This resulted in water running down the boat ramp which caused material to wash into the river. The erosion exposed the orange fencing material used to mark the extent of the excavation during the removal action. It was reported that some material below the orange marker eroded into the Kootenai River. However, the bulk of the eroded material was clean cover material. Also, the material from below the orange fencing in the area of the boat ramp was found to be non-detect for asbestos at the time of OU-1 Removal Action. Based on this information, EPA concluded that a reportable quantity of asbestos was not released to the environment. Thus, notification of this incident to other agencies was not required.

Please note that the washed out area of the boat ramp was repaired within the same day that the incident was reported. The repair included the placement and compaction of structural fill and road base, reducing the likelihood of a similar event occurring in the future. I understand that the City of Libby is considering installing a keyed automatic shut-off mechanism for the pump as an additional prevention measure.

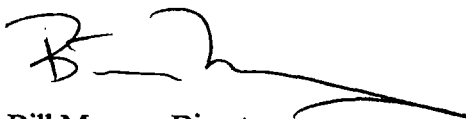
I have attached a copy the hotline file related to this incident. This file contains EPA correspondence related to this incident. Please note that EPA did not take any photographs of the boat ramp prior to or during the restoration.

In your email, you also mentioned orange fencing material visible at the surface near the Kootenai River. This fencing was brought to the surface during the OU-1 removal action to identify the extent of the excavation. Near the Kootenai River, the excavation was limited by the water level in the river.

I understand your concern regarding the long-term protectiveness of the cleanup at OU-1. To address long-term protectiveness, EPA will be issuing a proposed plan in September 2009 that will provide EPA's recommended long-term remedy for OU-1. There will be a 30 day public comment period after the proposed plan is issued. I look forward to your comments on the proposed plan in addressing the long-term protectiveness of the remedy.

Please feel free to contact me at 303/312-6401 if you have any further questions regarding this incident.

Sincerely,



Bill Murray, Director
Superfund Remedial Response Program

cc: Doug Roll, Mayor, City of Libby

Attachments



Printed on Recycled Paper

Hotline Request 3585

Call Type Walk In Date: 6/26/2009 Time: 9:17:00 AM No: 3585

Citizen Information

Name(s) <u>CITY OF LIBBY,</u>	Home Phone <u>(406)293-</u>
Citizen Address <u>CITY PAVILLION</u>	Work Phone <u>(406)293-2731</u>
City: <u>LIBBY</u> State: <u>MT</u> Zip <u>59923</u>	Cell Phone: <u>(406)293-</u>

Mailing Address Information

Mailing Address UNKNOWN
City: LIBBY State: MT Zip 59923

Property Informatio

Property Address: <u>CITY PAVILLION</u>	Phone: <u>(406)293-</u>
City: <u>LIBBY</u> State: <u>MT</u> Zip <u>59923</u>	

Actions

Category: ERS SubCategories: ACTIVE
ACTIVE

Notes

Dan Thede came in and said last night their water trucks were taking water from the river at the boat ramp to wash the streets. One of the drivers forgot to turn off the pump to one of the trucks when they left it for the night. Someone during the night, turned on the pump and washed away a large amount of rocks and the orange fencing is washed down. **I contacted Damon Repine and he met with Dan and went to the boat ramp. **Damon called and he spoke to Courtney and Mike and ER will be back filling. **DC Orr requested a copy of the ERS report-I provided to him (LN) He then left and called in and said that this ERS report is incorrect and wanted to talk to someone about the inaccuracies of what was reported by Dan Thede. He said that he is going to call his Congressman on Monday and he said that he would like a call from Damon. (293-4702). From: Repine, Damon

Sent: Tuesday, June 30, 2009 11:36 AM

To: Rodriguez-Newstrom, Linda

Subject: RE: City of Libby- ERS Hotline Summary UPDATED

Good morning Linda;

Can you please note in the hot line. Mike Cirian and I tried to contact DC Orr on the number listed on the hotline request and on his cell phone. Mike left a message for DC to call him at the Info Center regarding this issue.

Damon L. Repine, CSP **6/30/09-Correction-One of the truck drivers forgot to lock the lock on the pump station, per Dan Thede.

DC Orr

> <xcav8orr@hotmail

> l.com> To

> Mike Cirian/R8/USEPA/US@EPA,

> 06/30/2009 05:42 <cpreston@michels.us>, Bill

> PM Bischoff <billb@libby.org>, binky

> <binky@cityoflibby.com>, Dan

> Thede <djt@cityoflibby.com>, Doug

> Roll <dproll@yahoo.com>, Lee

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Hotline Request 3585

> Bothman
> <theprintingpress@gmail.com>,
> Peggy Williams
> <klcb@frontiernet.net>,
> <rcarter@windjammercable.net>
> cc
>
> Subject
> Release at OU-1 2009
>
>
> Dear Mr. Cirian;
> Sorry I missed your call today and that you weren't around when I
> returned it at lunch time. I am sure you wanted to address my concerns
> on the latest breach of the cap at OU-1 on the morning of 6-26-09. I
> will address those concerns in an email so everyone is privy to the
> conversation. There is less chance of confusion this way.
> I have Hotline Request #3585 in hand and it is the cause of those
> concerns. It states that City water trucks were taking water from the
> river to wash streets. According to the report, one of the drivers
> forgot to turn the pump off when they left for the night. It continues
> saying that during the night someone turned on the pump and washed away
> a lot of rocks and orange fencing. I saw that with my own eyes. There
> was a mess down there. There was obvious vermiculite at the soil/water
> interface in Kootenai River. But I was able to ascertain early on that
> the City crews had nothing to do with it.
> Perhaps this can all be cleared up with my first question. Does this
> constitute a release to the environment and was DEQ, NCP or any other
> agency notified? A copy of their report would be more thorough than the
> initial Hotline Request and would probably clear the City of any
> liability. Maybe your own agency issues a report after an investigation,
> I'm just asking for help through the bureaucratic maze.
> By the time I got to town Friday afternoon, the rumors were flying.
> Some were speculating that the Fire Department used the hydrant for
> the water fights at Logger Days. One phone call dispelled this story.
> I called Corky Pape of the City Streets department and was able to
> determine that they don't use that pumping station because the cleanup
> contractors line up in there causing up to an hours wait to fill your
> truck.
> Had any truck driven away without turning the pump off, it would have
> damaged either the truck or the filling station. The filler hose is
> threaded on both ends, they would have to disconnect a live line to
> "forget" to turn the pump off.
> The Hotline Request states that someone turned the pump on during the
> night, making a case for vandalism. I know the pump is locked. I'd be
> interested in knowing where the lock was found. I also know that this
> pump will fill my 4000 gallon tanker in about twenty minutes. That
> calculates to about 200 gallons a minute. If that had been left on
> overnight, (most vandalism occurs after the bars close), there would
> have been a much bigger canyon in that ramp.
> I talked to some ER truck drivers who were waiting in line and they
> volunteered that the driver for the powerline contractor admitted to
> causing the problem. This is the only truck regularly using that station
> other than EPA contractor trucks so that information should be taken

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Hotline Request 3585

> with that fact in mind.
> My second question is my big question given the fact that these
> breeches and subsequent releases seem to always be minimized by EPA.
> Hotline request #3585 states plainly that the City was responsible for
> this mess. Will EPA correct this misinformation and tell the public
> exactly how this cap was breeched... again? This site has not gone
> twelve months without a breach of the cap. I think the people who have
> had their property capped should be aware of what a spectacular failure
> this containment program has proven to be.
> I look forward to your reply. Sincerely; DC Orr (City Taxpayer)

From: Cirian.Mike@epamail.epa.gov [mailto:Cirian.Mike@epamail.epa.gov]
Sent: Wednesday, July 01, 2009 4:57 PM
To: DC Orr
Cc: Bill Bischoff; binky; cpreston@michels.us; Dan Thede; Doug Roll; Peggy Williams;
rcarter@windjammercable.net; Lee Bothman; Ketellapper.Victor@epamail.epa.gov;
Thomas.Rebecca@epamail.epa.gov; Rodriguez-Newstrom, Linda; decours@mt.gov;
Cirian.Mike@epamail.epa.gov
Subject: Re: Release at OU-1 2009

Hello Mr. Orr,

This email is in response to your email concerning the erosion caused by the river water pump being left on for some time between the evening of June 25, 2009 and the morning of June 26, 2009.

In your email you state the Hotline request #3585 causes you concern. This information in the Hotline is put in as it is reported to us. The EPA then uses this information as a starting point to address the concerns that were raised through the Hotline process. The Hotline is a diary of events that are reported and we continue to add to the Hotline request as we receive information. Once the concern is addressed, the Hotline request is labeled as closed.

The water that was left on did cause the EPA to respond and address the washed out area of concern. This response was completed through our ERS program and this was done in a very timely manner. The first layer of replacement material was in place and compacted by 10:30 am and the job was completed by 2:30 pm on June 26, 2009.

In your email the second question "that these breeches and subsequent releases seem to always be minimized by EPA." We take this very seriously and that is why we are able to respond in such a timely and efficient manner. Engineered Caps work very well to eliminate exposure pathways and in each case of a "breach" potential exposures could have been avoided if we had Institutional Controls (IC's) in place and these were followed by any and all parties involved. The EPA does not hold any party responsible and will not seek any damages for this incident.

Your email and this response will be added to the Hotline entry. This Hotline #3585 and work associated with it will be considered complete and the Hotline closed.

Sincerely,

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Hotline Request 3585

Michael Cirian, PE

EPA – Remedial Project Manager

From: DC Orr [mailto:xcav8orr@hotmail.com]

Sent: Thursday, July 09, 2009 1:26 PM

To: murray.bill@epamail.epa.gov; Bill Bischoff; binky; brad@libbyasbestos.org; cirian.mike@epa.gov; clecours@mt.gov; Doug Roll; gordsull@yahoo.com; Lee Bothman; mvolesky@mt.gov; rcarter@windjammercable.net; perquiaga@eaglesvoice.com; Rodriguez-Newstrom, Linda; Peggy Williams

Subject: FW: Release at OU-1 2009

Mr. Murray;

When you called today I was in the field and this is my first opportunity to respond. Thank you for your interest in this matter.

You can see that I am concerned with the official EPA report of this matter containing so many false statements. I hope to correct those inconsistencies before they find their way into the final report of all agencies involved but cannot find which agencies have been alerted. I hope you can help with this.

I recently found out that EPA never removed any of the cross-contaminated soil in this incident, it is still contaminated all the way down the ramp with material that boiled up out of those chasms. They simply filled in the chasms with clean fill.

It was the topic of considerable conversation at the last TAG meeting. Gordon Sullivan was concerned that a release of tons of hazardous material during sturgeon flows was treated as a non-issue. Victor Ketellapper did commit to looking into reporting statutes regarding the Endangered Species Act.

I am more concerned with the residual contamination left behind in a public park. I find it hard to believe that the ERS response team was allowed to ignore the issue of cross contamination. Please explain, given EPA's position that they are eliminating exposures, how leaving cross-contamination caused by a breach of this superficial cap and containment system eliminates exposures to the women and children who will use this public park.

Any help you could give us regarding documentation of the release and subsequent ERS response would be greatly appreciated.

Sincerely, DC Orr

From: DC Orr [mailto:xcav8orr@hotmail.com]

Sent: Thursday, July 09, 2009 1:48 PM

To: Rodriguez-Newstrom, Linda; Kirby Campbell-Rierson; Virginia Sloan

Subject: RE: Release at OU-1 2009

Ms. Newstrom-Rodriguez;

I have sent two replies since this latest exchange and want to confirm that they will be logged into the Hotline Summary. I also sincerely hope that this work associated with Hotline Request #3585 is not considered complete. Residual contamination left behind on the surface in a public park is unacceptable. Thank you for all you do.

Sincerely, DC Orr

From:

Ketellapper.Victor@epamail.epa.gov [mailto:Ketellapper.Victor@epamail.epa.gov]

Sent: Thursday, July 09, 2009 3:41 PM

To: DC Orr

Cc: Cirian.Mike@epamail.epa.gov; Murray.Bill@epamail.epa.gov; Bill Bischoff; binky; brad@libbyasbestos.org; Cirian.Mike@epamail.epa.gov; clecours@mt.gov; Doug Roll; gordsull@yahoo.com; Lee Bothman; mvolesky@mt.gov; rcarter@windjammercable.net; perquiaga@eaglesvoice.com; Rodriguez-Newstrom, Linda; Peggy Williams
Subject: Re: Fw: Release at OU-1 2009

Dear Mr. Orr:

I am disappointed in your lack of patience in waiting for the results of my evaluation of the incident that

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Hotline Request 3585

occurred at OU-1. Based on your discussion of this issue at this weeks TAG meeting, I committed to looking into this issue and getting back to you. Instead of waiting for the facts, you decide to spread inaccurate information throughout the community.

During the past 2 days, I looked into what occurred at OU-1 and discussed this issue with the Paul P, the former Libby Asbestos Site Team Leader. This is what I have found out about the incident. The pump used to fill water trucks was left on, resulting in water running down the boat ramp causing material to wash into the river. The erosion exposed the orange fencing material used to mark the extent of the excavation/start of cover material of the removal action conducted at OU-1. The bulk of the material washed into the river was cover material, that is not contaminated with asbestos. Some material from under the orange fencing was washed into the river. Clearance sampling taken from the area from the boat ramp during the removal action found to have asbestos at "non detect" levels. Based on this information, it was determined that a reportable release of asbestos did not occur. Also, the incident did not require notification of natural resource trustees. Based on this information, EPA considers this case closed.

Furthermore, the washed out area was repaired quickly, within the same day of the incident was reported. The repair included the placement and compaction of structural structural fill and road base. This will provide a measure of protection from a similar incident like this occurs in the future, provided that the City maintains this facility.

Victor Ketellapper, P.E.

USEPA

1595 Wynkoop St. (8EPR-B)
Denver, CO 80202

(303)312-6578

Information Sent: Yes		Forward To	Follow Up Type	Status	Due Date	Sent Date
Comfort Letter	<input type="checkbox"/>					
Completion Letter	<input type="checkbox"/>					
CSS	<input type="checkbox"/>					
IFF	<input type="checkbox"/>					
Info Package	<input type="checkbox"/>					
Soil Sample Data	<input type="checkbox"/>					
Other	<input checked="" type="checkbox"/>	DR	Site Visit	Completed	6/26/2009	7/9/2009